

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,)	Cause No.	CR 09-02-BLG-JDS-01
)		
Plaintiff,)		
)		
vs.)		
)		
LEO O. BERGTOLL,)	O R D E R	
)	* * * * *	
Defendant.)		

On February 5, 2009, Magistrate Judge Carolyn S. Ostby entered her recommendation that the Court accept defendant's guilty plea. No objections to this recommendation have been filed and the time for doing so has run. Accordingly,

IT IS ORDERED:

1. The Findings and Recommendations entered February 5, 2009 are adopted and the Court accepts defendant's plea of guilty.
2. Sentencing in this matter is set before the Court at **9:00 a.m.** on **May 6, 2009.**
3. The United States Probation Office shall conduct a

presentence investigation in accordance with **Fed.R.Crim.P. 32** and **18 U.S.C. § 3552(a)**.

4. Following completion of the presentence report, the probation officer shall disclose the report (excepting any recommendations of the probation officer) to defendant, counsel for defendant, and counsel for the government at least thirty-five (35) days prior to sentencing. The probation officer shall not disclose, directly or indirectly, to anyone, under any circumstances, the substance or contents of any recommendation made or to be made to the Court.

5. Within fourteen (14) days after receiving the report, counsel for each party shall present to the probation officer any objections to be relied upon at sentencing and, if there is a dispute over any material in the presentence report, counsel shall meet with the probation officer at said time and attempt to resolve the dispute informally. If resolution cannot be attained after diligent good faith efforts, the Court will resolve disputes in accordance with section 6A1.3 of the Sentencing Guidelines.

6. The presentence report, in final form, shall be delivered to the Court no later than seven (7) calendar days prior to the date of sentencing.

7. In the exceptional circumstance where disputes or dispute resolution require additional time, counsel for defendant shall move the Court for a continuance of the sentencing hearing no later

than seven (7) days prior to sentencing.

8. The parties shall file all sentencing memoranda and motions relevant to sentencing no later than the Friday prior to the date of sentencing. Absent exceptional circumstances, the Court will not consider sentencing memoranda or related motions filed after that date.

DONE and **DATED** this 23rd day of February, 2009.

/s/ Jack D. Shanstrom
Senior Judge, U.S. District Court